HONOURABLE MS. JUSTICE G. ROHINI

W.P.No.13787 of 1998

Between:

A.Ranga Rao .. Petitioner

And

1. The Mandal Revenue Officer, Chandrugonda Mandal Khammam District and 6 others.

.. Respondents

ORDER:

The 2nd respondent-The Special Deputy Collector (Tribal Welfare), Palvancha, Khammam District, issued a notice in Form-E under A.P. Scheduled Areas Land Transfer Regulation I of 1959, calling upon the petitioner along with five others to show cause as to why he should not be ejected, alleging that their occupation was in contravention of sub Section (1) of Section 3 of Regulation I of 1959. So far as the petitioner is concerned, it was shown that he was in occupation of Ac.0.6 guntas of land situated in Survey No.39 at Kothagudem.

2. The petitioner did not contest the proceedings and consequently the 2nd respondent passed an order of ejection dated 22-11-1997. However, the 7th respondent- The Mandal Revenue Inspector, Chandrugonda Mandal, Khammam District, sought to take possession of Ac.3.19 guntas in stead of Ac.0.06 guntas, which was held to be in occupation of the petitioner illegally. Hence, this writ petition seeking a declaration that the Panchanama dated 23-04-1998 conducted by the 7th respondent is arbitrary, illegal and contrary to the order of the 2nd respondent dated 22-11-1997.

3. This Court while directing Rule Nisi, ordered stay of dispossession of the petitioner in respect of Ac.3.13 guntas of land in Survey No.39.

4. In the counter-affidavit filed by the 1st respondent-The Mandal Revenue Officer, Chandrugonda Mandal, Khammam District, the claim made by the petitioner in respect of Ac.3.13 guntas of land has not been disputed. However, it is stated that the excess land held by the petitioner to an extent of Ac.0.06 guntas alone was sought to be taken under the Panchanama dated 23-04-1998. It is

also stated that since the petitioner is in possession of Ac.0.06 guntas in excess, the same was taken possession and it was handed over to one Kattam Muthamma and the remaining Ac.3.13 guntas continue to be in possession of the petitioner only.

5. In view of what has been stated in the counter affidavit, it is clear that the possession of the petitioner in respect of Ac.3.13 guntas has not been disturbed. Hence, no further enquiry is necessary in the Writ Petition.

6. Accordingly the writ petition is disposed of, recording the statement of the 1st respondent-Mandal Revenue Officer, that the petitioner's possession in respect of Ac.3.13 guntas situated in Survey No.39 of Gumpona village has not been disturbed, and his land is not covered by the order of the 2nd respondent-Special Deputy Collector, dated 22-11-1997. No costs.

February 21, 2007

KVR